

# Notice of Allowability

Application No.

10/034,443

Examiner

ALEXANDER BOAKYE

Applicant(s)

WIEBE ET AL.

Art Unit

2667

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/26/2001.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 08/04/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawings are hand written. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: Claims 1-19 are considered allowable since when reading the claims in light of the specification, none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims. The prior art of record (WO 00/74310 ) relates to a method and system for path protection in a communications network, each of the working paths and protection paths is assigned a priority level. Those working paths and protection paths having low priority deemed preempted by higher protection paths. Assigning to the working path a protection path through a second series of interconnected nodes, the protection path having a protection bandwidth in relation to the working path bandwidth. The higher priority

protection paths can preempt lower priority protection paths and lower priority working paths that share at least one link. As to claims 1-18, the prior art of record does not teach (a) designating selectable portions of the bandwidths of the working paths as unpreemptable and /or preemptable, whereby preemptable portions of the working path bandwidths are made available for protection preemption by different working paths (b) assigning a protection path to each the service path which is to be provided the service protection whereby each the protection path comprises a selectable bandwidth and at least one the network interface path for the service path, whereby the protection path bandwidth comprises preemptable bandwidth portion(s) of working path(s) defining different service path(s) and /or unused network bandwidth.

As to claims 11-19, the prior art of record does not teach (a) a bandwidth allocation controller configured for: (i) designating selectable portion s) of the bandwidth of a working path for the protected service path as unpreemptable and/or preemptable, the preemptable portion (s) of the working path bandwidth being available for protection preemption by a different working path; and, (ii) assigning a protection path to each protected service path, each the protection path comprising a selectable bandwidth associated with a network interface which is distinct from the network interface associated with the working path for the protected service path, whereby the protection path bandwidth comprises preemptable bandwidth portion(s) of working path (s) for different service path (s) and/or unused network bandwidth. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such

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submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Central Fax number is (571) 273-8300. Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB

9/21/05

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2667 9/23/05